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(Original Signature of Member)

109TH CONGRESS
2D SESSION

H. R. _____

To improve maritime and cargo security through enhanced layered defenses,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. DANIEL E. LUNGREN of California (for himself and Ms. HARMAN) introduced the following bill; which was referred to the Committee on

A BILL

To improve maritime and cargo security through enhanced
layered defenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Security and Accountability For Every Port Act” or
6 “SAFE Port Act”.



1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Strategic plan.
- Sec. 5. Protocols on the resumption of trade.
- Sec. 6. Improvements to Automated Targeting System.
- Sec. 7. Uniform data for government-wide usage.
- Sec. 8. Employee verification for individuals with access to secure areas of sea-ports.
- Sec. 9. Director of Cargo Security Policy.
- Sec. 10. Container security standards and verification procedures.
- Sec. 11. Radiation detection and radiation safety.
- Sec. 12. Container Security Initiative.
- Sec. 13. Customs-Trade Partnership Against Terrorism.
- Sec. 14. GreenLane designation.
- Sec. 15. Joint operations centers.
- Sec. 16. Research, development, test, and evaluation.
- Sec. 17. Port security grant program.
- Sec. 18. Authorization of appropriations.

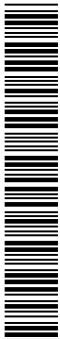
3 **SEC. 2. FINDINGS.**

4 Congress makes the following findings:

5 (1) Maritime vessels are the primary mode of
6 transportation for international trade and they carry
7 over 80 percent of international trade by volume.

8 (2) In 2004, maritime vessels carried approxi-
9 mately 9,700,000 shipping containers into United
10 States seaports at an average of 27,000 containers
11 per day.

12 (3) The security of the international container
13 supply chain and the maritime transportation sys-
14 tem is critical for the prosperity and liberty of all
15 countries.



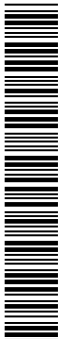
1 (4) In its final report, the National Commission
2 on Terrorist Attacks Upon the United States noted,
3 “While commercial aviation remains a possible tar-
4 get, terrorists may turn their attention to other
5 modes of transportation. Opportunities to do harm
6 are as great, or greater in maritime or surface
7 transportation.”.

8 (5) In May 2002, the Brookings Institution es-
9 timated that costs associated with United States
10 port closures from a detonated terrorist weapon
11 could add up to \$1 trillion from the resulting eco-
12 nomic slump and changes in our Nation’s inability
13 to trade. Anticipated port closures on the west coast
14 of the United States could cost the United States
15 economy \$1 billion per day for the first five days
16 after a terrorist attack.

17 (6) Significant steps have been taken since the
18 terrorist attacks against the United States that oc-
19 curred on September 11, 2001:

20 (A) Congress passed the Maritime Trans-
21 portation Security Act of 2002 on November
22 14, 2002.

23 (B) The Coast Guard issued a comprehen-
24 sive set of port security regulations on October
25 22, 2003.



1 (C) The International Maritime Organiza-
2 tion adopted the International Ship and Port
3 Facility (ISPS) Code in December 2002.

4 (D) The White House issued Homeland
5 Security Presidential Directive-13 in September
6 2005 which lays out requirements for a com-
7 prehensive maritime security policy.

8 (7) Despite these steps, security gaps in the
9 maritime transportation system remain, resulting in
10 high-risk container systems not being checked over-
11 seas or domestically and ports that are vulnerable to
12 terrorist attacks similar to the attack on the U.S.S.
13 Cole.

14 (8) Significant enhancements can be achieved
15 by applying a layered approach to supply chain secu-
16 rity, in a coordinated fashion. Current supply chain
17 programs within the Federal Government have been
18 independently operated, often falling short of gains
19 which could have been made if such programs were
20 operated in a coordinated manner.

21 (9) While it is impossible to completely remove
22 the risk of a terrorist attack, security measures in
23 the supply chain can add certainty and stability to
24 the global economy, raise investor confidence, and
25 facilitate trade. Some counterterrorism costs are in-



1 tegral to the price that must be paid to protect soci-
2 ety. However, counterterrorism measures also
3 present an opportunity to increase the efficiency of
4 the global trade system through international har-
5 monization of such measures. These efficiency gains
6 are maximized when all countries adopt such
7 counterterrorism measures.

8 (10) Increasing transparency in the supply
9 chain will assist in mitigating the impact of a ter-
10 rorist attack by allowing for a targeted shutdown of
11 the international supply chain and expedited restora-
12 tion of commercial traffic.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) APPROPRIATE CONGRESSIONAL COMMIT-
16 TEES.—The term “appropriate congressional com-
17 mittees” means—

18 (A) the Committee on Homeland Security
19 and the Committee on Appropriations of the
20 House of Representatives; and

21 (B) the Committee on Homeland Security
22 and Governmental Affairs and the Committee
23 on Appropriations of the Senate.

24 (2) AUTOMATED TARGETING SYSTEM.—The
25 term “Automated Targeting System” means the sys-



1 tem established by U.S. Customs and Border Pro-
2 tection to assess imports and target those imports
3 which pose a high risk of containing contraband.

4 (3) CONTAINER.—The term “container” has
5 the meaning given the term in the International
6 Convention for Safe Containers, with annexes, done
7 at Geneva December 2, 1972 (29 UST 3707).

8 (4) CONTAINER SECURITY DEVICE.—The term
9 “container security device” means a device or system
10 to track and monitor containers for, and secure
11 them against, tampering or compromise throughout
12 the international supply chain.

13 (5) CONTAINER SECURITY INITIATIVE; CSI.—
14 The terms “Container Security Initiative” and
15 “CSI” mean the program authorized under section
16 12 to identify and examine maritime containers that
17 pose a risk for terrorism at foreign ports before they
18 are shipped to the United States.

19 (6) CUSTOMS-TRADE PARTNERSHIP AGAINST
20 TERRORISM; C-TPAT.—The terms “Customs-Trade
21 Partnership Against Terrorism” and “C-TPAT”
22 mean the voluntary program authorized under sec-
23 tion 13 to strengthen and improve the overall secu-
24 rity of the international supply chain and United
25 States border security.



1 (7) DEPARTMENT.—The term “Department”
2 means the Department of Homeland Security.

3 (8) EXAMINATION.—The term “examination”
4 means an inspection of cargo to detect the presence
5 of misdeclared, restricted, or prohibited items, in-
6 cluding an inspection using nonintrusive imaging
7 and detection technology.

8 (9) GREENLANE.—The term “GreenLane” re-
9 fers to the third tier of C-TPAT, which offers addi-
10 tional benefits to validated C-TPAT participants
11 that demonstrate a sustained commitment beyond
12 the minimum requirements for participation in C-
13 TPAT.

14 (10) INSPECTION.—The term “inspection”
15 means the comprehensive process used by U.S. Cus-
16 toms and Border Protection for assessing goods en-
17 tering the United States to appraise them for duty
18 purposes, to detect the presence of restricted or pro-
19 hibited items, and to ensure compliance with all ap-
20 plicable laws. This process may include screening,
21 conducting an examination, or conducting a search.

22 (11) INTERNATIONAL SUPPLY CHAIN.—The
23 term “international supply chain” means the end-to-
24 end process for shipping goods from a point of ori-
25 gin overseas to the United States.

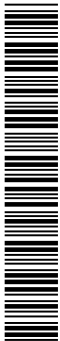


1 (12) OPERATION SAFE COMMERCE.—The term
2 “Operation Safe Commerce” means the research, de-
3 velopment, test, and evaluation grant program that
4 brings together private sector shareholders, port offi-
5 cials, and Federal, State, and local representatives
6 to analyze existing security procedures for cargo and
7 develop new security protocols that have the poten-
8 tial to increase the security of cargo shipments by
9 monitoring the movement and integrity of cargo
10 through the international supply chain.

11 (13) POINT OF ORIGIN.—The term “point of
12 origin”, in the case of goods, means the point at
13 which such goods are assembled into the smallest ex-
14 terior packaging unit for movement through the
15 international supply chain.

16 (14) SCREENING.—The term “screening”
17 means a visual or automated review of information
18 about goods, including manifest or entry documenta-
19 tion accompanying a shipment being imported into
20 the United States, to determine or assess the threat
21 of such cargo.

22 (15) SEARCH.—The term “search” means an
23 intrusive examination in which a container is opened
24 and its contents are de-vanned and visually in-



1 spected for the presence of misdeclared, restricted,
2 or prohibited items.

3 (16) SECRETARY.—The term “Secretary”
4 means the Secretary of Homeland Security.

5 (17) SMALLEST EXTERIOR PACKAGING UNIT.—
6 The term “smallest exterior packaging unit” has the
7 meaning given such term in section 4.7a of title 19,
8 Code of Federal Regulations (as in effect on the
9 date of enactment of this Act).

10 (18) SUPPLY CHAIN VISIBILITY PROCEDURE.—
11 The term “supply chain visibility procedure” means
12 a system or process capable of tracking goods at the
13 smallest exterior packaging unit level from their
14 point of origin to the point of loading into a con-
15 tainer entering the international supply chain.

16 (19) TRANSPORTATION SECURITY INCIDENT.—
17 The term “transportation security incident” has the
18 meaning given such term in section 70101(6) of title
19 46, United States Code.

20 **SEC. 4. STRATEGIC PLAN.**

21 (a) STRATEGIC PLAN.—The Secretary, in consulta-
22 tion with appropriate Federal, State, local, and tribal gov-
23 ernment agencies and private sector stakeholders respon-
24 sible for security matters that affect or relate to the move-
25 ment of containers through the international supply chain,



1 shall develop and implement, and update as appropriate,
2 a strategic plan to enhance the security of the maritime
3 transportation system.

4 (b) REQUIREMENTS.—The strategic plan required
5 under subsection (a) shall—

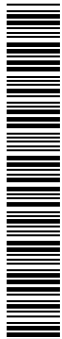
6 (1) describe the roles, responsibilities, and au-
7 thorities of Federal, State, local, and tribal govern-
8 ment agencies and private sector stakeholders that
9 relate to the security of the movement of containers
10 through the international supply chain;

11 (2) identify and address gaps and unnecessary
12 overlaps in the roles, responsibilities, or authorities
13 described in paragraph (1);

14 (3) identify and make recommendations regard-
15 ing legislative, regulatory, and organizational
16 changes necessary to improve coordination among
17 the entities or to enhance the security of the inter-
18 national supply chain;

19 (4) provide measurable goals, including objec-
20 tives, mechanisms, and a schedule, for furthering the
21 security of commercial operations from point of ori-
22 gin to point of destination;

23 (5) build on available resources and consider
24 costs and benefits;



1 (6) identify mandatory, baseline security goals,
2 and the minimum container security standards and
3 verification procedures described in section 10;

4 (7) provide incentives for additional voluntary
5 measures to enhance cargo security, as determined
6 by the Secretary and under the GreenLane Program
7 under section 14;

8 (8) include a process for sharing intelligence
9 and information with private sector stakeholders to
10 assist in their security efforts;

11 (9) identify a framework for prudent and meas-
12 ured response in the event of a transportation secu-
13 rity incident involving the international supply chain;

14 (10) provide a plan for the expeditious resump-
15 tion of the flow of legitimate trade in accordance
16 with section 5;

17 (11) focus on the secure movement of contain-
18 erized cargo through the international supply chain;
19 and

20 (12) expand upon and relate to existing strate-
21 gies and plans, including the National Strategy for
22 Maritime Security and the eight supporting plans of
23 the Strategy, as required by Homeland Security
24 Presidential Directive-13 (September 2005).



1 (c) UTILIZATION OF ADVISORY COMMITTEES.—As
2 part of the consultations described in subsection (a), the
3 Secretary is encouraged to utilize the Homeland Security
4 Advisory Committee, the National Maritime Security Ad-
5 visory Committee, and the Commercial Operations Advi-
6 sory Committee to review, as necessary, the draft strategic
7 plan and any subsequent updates to the strategic plan.

8 (d) INTERNATIONAL STANDARDS AND PRACTICES.—
9 In furtherance of the strategic plan required under sub-
10 section (a), the Secretary is encouraged to consider pro-
11 posed or established standards and practices of foreign
12 governments and international organizations, including
13 the International Maritime Organization, the World Cus-
14 toms Organization, the International Labor Organization,
15 and the International Organization for Standardization,
16 as appropriate, to establish standards and best practices
17 for the security of containers moving through the inter-
18 national supply chain.

19 (e) REPORT.—

20 (1) INITIAL REPORT.—Not later than 90 days
21 after the date of enactment of this Act, the Sec-
22 retary shall submit to the appropriate congressional
23 committees a report that contains the strategic plan
24 required by subsection (a).



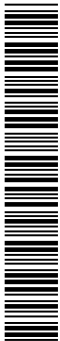
1 (2) FINAL REPORT.—Not later than three years
2 after the date on which the strategic plan is sub-
3 mitted under paragraph (1), the Secretary shall sub-
4 mit to the appropriate congressional committees a
5 report that contains an update of the strategic plan.

6 **SEC. 5. PROTOCOLS ON THE RESUMPTION OF TRADE.**

7 (a) IN GENERAL.—The Secretary shall develop proto-
8 cols for the resumption of trade in the event of a transpor-
9 tation security incident that necessitates the suspension
10 of trade through contingency and continuity planning that
11 ensures trade lanes are restored as quickly as possible.
12 The protocols shall provide for coordination with appro-
13 priate Federal, State, and local agencies on law enforce-
14 ment actions, inter-modal rerouting plans, and identifica-
15 tion and prioritization of goods that may enter the United
16 States.

17 (b) PREFERENCES.—In reestablishing the flow of
18 cargo through ports of entry in the United States after
19 a transportation security incident, the Secretary shall give
20 preference to vessels—

21 (1) having a vessel security plan approved or
22 accepted under section 70103(c) of title 46, United
23 States Code;



1 (2) entering a port of entry directly from a for-
2 eign port designated under CSI or from another for-
3 eign port, as determined by the Secretary;

4 (3) operated by validated C-TPAT participants;
5 and

6 (4) carrying GreenLane designated cargo.

7 **SEC. 6. IMPROVEMENTS TO AUTOMATED TARGETING SYS-**
8 **TEM.**

9 (a) PLAN.—Not later than 90 days after the date of
10 enactment of this Act, the Secretary shall develop and im-
11 plement a plan for improving the Automated Targeting
12 System for the identification of high-risk containers mov-
13 ing through the international supply chain.

14 (b) CONTENTS.—

15 (1) TREATMENT OF RECOMMENDATIONS.—The
16 Secretary shall include in the plan required under
17 subsection (a) a schedule to implement the rec-
18 ommendations of the Comptroller General of the
19 United States, the Inspector General of the Depart-
20 ment of the Treasury, and the Inspector General of
21 the Department with respect to the operation of the
22 Automated Targeting System.

23 (2) INFORMATION SUBMISSIONS.—In developing
24 the plan required under subsection (a), the Secretary
25 shall consider the cost, benefit, and feasibility of—



1 (A) requiring additional nonmanifest docu-
2 mentation for each container, including pur-
3 chase orders, shipper's letters of instruction,
4 commercial invoices, letters of credit, certifi-
5 cates of origin, advance shipping notices, vessel
6 stow plans, and certain container status mes-
7 sages, when created;

8 (B) reducing the time period allowed by
9 law for revisions to a container cargo manifest;

10 (C) reducing the time period allowed by
11 law for submission of entry data for vessel or
12 cargo; and

13 (D) such other actions the Secretary con-
14 siders beneficial for improving the information
15 relied upon for the Automated Targeting Sys-
16 tem and any other targeting systems in fur-
17 thering the security and integrity of the inter-
18 national supply chain.

19 (3) OUTSIDE REVIEW.—The Secretary shall
20 conduct, through an independent panel, a review of
21 the Automated Targeting System. The results of
22 this review shall be included in the plan required
23 under subsection (a).

24 (4) SMART SYSTEM.—The Secretary shall con-
25 sider future iterations of the Automated Targeting



1 System, which would incorporate smart features,
2 such as more complex algorithms and real-time intel-
3 ligence, instead of relying solely on rule sets that are
4 periodically updated.

5 (c) NEW OR EXPANDED INFORMATION SUBMIS-
6 SIONS.—In considering any new or expanded information
7 submission requirements, the Secretary shall consult with
8 stakeholders and identify the need for such information,
9 and the appropriate timing of its submission, in the plan
10 required under subsection (a).

11 (d) SECURE TRANSMISSION OF CERTAIN INFORMA-
12 TION.—All information required by the Department from
13 supply chain partners shall be transmitted in a secure
14 fashion, as determined by the Secretary, so as to protect
15 the information from unauthorized access.

16 **SEC. 7. UNIFORM DATA FOR GOVERNMENT-WIDE USAGE.**

17 (a) ESTABLISHMENT.—The Secretary, in cooperation
18 with representatives from appropriate Federal agencies, as
19 determined by the Secretary, shall establish and imple-
20 ment a single, uniform data system for the electronic col-
21 lection, dissemination, and sharing of import and export
22 information to increase the efficiency of data submission
23 and the security of such data related to border security,
24 trade, and public health and safety of international car-
25 goes.



1 (b) PRIVATE SECTOR CONSULTATION.—The Sec-
2 retary shall consult with private sector stakeholders in de-
3 veloping uniform data submission requirements, proce-
4 dures, and schedules under the system established pursu-
5 ant to subsection (a).

6 **SEC. 8. EMPLOYEE VERIFICATION FOR INDIVIDUALS WITH**
7 **ACCESS TO SECURE AREAS OF SEAPORTS.**

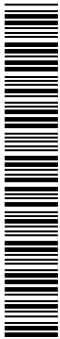
8 (a) DEFINITIONS.—In this section, the following defi-
9 nitions apply:

10 (1) SECRETARY.—The term “Secretary” means
11 the Secretary of Homeland Security acting through
12 the Assistant Secretary of Homeland Security
13 (Transportation Security Administration).

14 (2) TERRORIST WATCH LISTS.—The term “ter-
15 rorist watch lists” means all available information
16 on known or suspected terrorist threats.

17 (b) EMPLOYEE VERIFICATION FOR CURRENT EM-
18 PLOYEES.—

19 (1) SECURITY DIRECTIVE.—Not later than 30
20 days after the date of enactment of this Act, the
21 Secretary shall issue a security directive requiring
22 States to submit to the Secretary biographic infor-
23 mation on each individual employed, as of the date
24 of issuance of the security directive, in a position in



1 which the individual has access to a secure area of
2 a seaport in the United States.

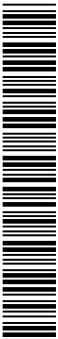
3 (2) DETERMINATION OF SECURE AREAS.—The
4 Secretary shall work with the Commandant of the
5 Coast Guard to determine which areas will be treat-
6 ed as secure areas for the purposes of this sub-
7 section.

8 (3) DEADLINE FOR SUBMISSION OF INFORMA-
9 TION.—The security directive shall require that
10 States submit the biographic information by not
11 later than 30 days after the date of issuance of the
12 security directive.

13 (4) COMPARISON OF BIOGRAPHIC INFORMATION
14 AGAINST INFORMATION ON KNOWN OR SUSPECTED
15 TERRORIST THREATS.—

16 (A) REQUIREMENT.—Not later than 75
17 days after the date of enactment of this Act,
18 the Secretary shall compare the biographic in-
19 formation received on each individual against
20 terrorist watch lists.

21 (B) LIMITATION.—The Secretary may
22 omit from any comparison under this subsection
23 information regarding an individual who has
24 previously been compared against terrorist
25 watch lists.



1 (5) PROCESS.—

2 (A) MANNER OF COLLECTION AND STOR-
3 AGE OF INFORMATION.—The Secretary shall
4 determine the manner in which the biographic
5 information will be collected and stored.

6 (B) COSTS OF COMPARISONS.—The Sec-
7 retary may not charge any fee for conducting
8 comparisons under this subsection.

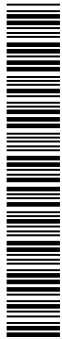
9 (c) EMPLOYEE VERIFICATION FOR FUTURE EMPLOY-
10 EES.—

11 (1) REQUIREMENT.—Not later than 75 days
12 after the date of enactment of this Act, the Sec-
13 retary shall establish and begin implementing a
14 process for—

15 (A) obtaining biographic information on in-
16 dividuals employed, beginning after the date of
17 issuance of the security directive under sub-
18 section (b)(1), in a position described in sub-
19 section (b)(1); and

20 (B) comparing the biographic information
21 on such individuals against all available infor-
22 mation on known or suspected terrorist threats.

23 (2) COSTS OF COMPARISONS.—The Secretary
24 shall determine how to cover costs of comparisons
25 conducted pursuant to this subsection.



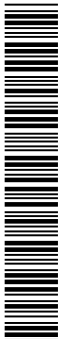
1 (d) PROHIBITED EMPLOYMENT.—The Secretary
2 shall specify security factors that are sufficient to prohibit
3 the employment of an individual in a position described
4 in subsection (b)(1).

5 (e) PROTECTIONS FOR INDIVIDUALS.—The Secretary
6 shall issue regulations to establish protections for individ-
7 uals subject to comparisons under this section. The protec-
8 tions shall be substantially equivalent to the protections
9 for individuals under sections 70105(c)(2), 70105(c)(3),
10 and 70105(e) of title 46, United States Code.

11 (f) RESTRICTIONS ON USE AND MAINTENANCE OF
12 INFORMATION.—

13 (1) RESTRICTION ON DISCLOSURE.—Informa-
14 tion obtained by the Secretary on an individual
15 under this section may not be made available to the
16 public, including the individual's employer.

17 (2) CONFIDENTIALITY; USE.—Any information
18 constituting grounds for prohibiting the employment
19 of an individual in a position described in subsection
20 (b)(1) shall be maintained confidentially by the Sec-
21 retary and may be used only for making determina-
22 tions under this section. The Secretary may share
23 any such information with other Federal law en-
24 forcement agencies. The Secretary may not share
25 any such information with an individual's employer,



1 except to inform the employer of whether or not the
2 individual has been prohibited under this section
3 from employment in a position described in sub-
4 section (b)(1).

5 (g) REPORTING.—Not later than 90 days after the
6 date of enactment of this Act, the Secretary shall submit
7 to the Committee on Homeland Security of the House of
8 Representatives and the Committee on Homeland Security
9 and Governmental Reform of the Senate a report con-
10 taining information on—

11 (1) the number of matches made in conducting
12 comparisons under subsection (b);

13 (2) the corresponding ports at which the
14 matches were identified; and

15 (3) the actions taken to determine necessary
16 corrective actions, as well as any corrective actions
17 taken.

18 **SEC. 9. DIRECTOR OF CARGO SECURITY POLICY.**

19 (a) IN GENERAL.—There shall be in the Department
20 a Director of Cargo Security Policy (hereinafter in this
21 section referred to as the “Director”).

22 (b) RESPONSIBILITIES.—The Director shall—

23 (1) advise the Secretary regarding all aspects of
24 Department programs relating to cargo security;



1 (2) develop Department-wide policies regarding
2 cargo security; and

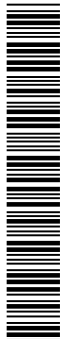
3 (3) coordinate the cargo security policies and
4 programs of the Department with other executive
5 agencies, including by working with officials of the
6 Department of State, as appropriate, in negotiating
7 international agreements relating to cargo security.

8 **SEC. 10. CONTAINER SECURITY STANDARDS AND VERIFICA-**
9 **TION PROCEDURES.**

10 (a) ESTABLISHMENT.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary shall establish, by regulation, minimum stand-
14 ards and verification procedures for securing con-
15 tainers in transit to an importer in the United
16 States.

17 (2) INFORMATION SOURCES.—The Secretary
18 shall use information from C-TPAT, Operation Safe
19 Commerce, any container security program of the
20 Directorate of Science and Technology, and other se-
21 curity initiatives to establish the standards and pro-
22 cedures described in paragraph (1). Such standards
23 may address operation, technology use, and perform-
24 ance.



1 (3) DEADLINE FOR ENFORCEMENT.—Not later
2 than 2 years after the establishment of standards
3 and procedures under subsection (a), all containers
4 bound for ports of entry in the United States shall
5 meet such standards and procedures.

6 (b) REVIEW AND ENHANCEMENT.—The Secretary
7 shall regularly—

8 (1) review the standards and procedures estab-
9 lished pursuant to subsection (a); and

10 (2) enhance the security standards and proce-
11 dures, as appropriate, based on tests of technologies
12 as they become commercially available to detect con-
13 tainer intrusion and the highest consequence threats,
14 particularly weapons of mass destruction, in accord-
15 ance with section 15.

16 (c) INTERNATIONAL CARGO SECURITY STAND-
17 ARDS.—The Secretary, in consultation with the Secretary
18 of State, is encouraged to promote and establish inter-
19 national standards for the security of containers moving
20 through the international supply chain with foreign gov-
21 ernments and international organizations, including the
22 International Maritime Organization and the World Cus-
23 toms Organization.



1 **SEC. 11. RADIATION DETECTION AND RADIATION SAFETY.**

2 (a) STRATEGY.—Not later than 90 days after the
3 date of enactment of this Act, the Secretary, acting
4 through the Director of the Domestic Nuclear Detection
5 Office of the Department, shall submit to the appropriate
6 congressional committees a strategy for the deployment of
7 radiation detection equipment at all ports of entry.

8 (b) CONTENTS.—The strategy submitted under sub-
9 section (a) shall include—

10 (1) a risk-based prioritization of maritime ports
11 of entry at which radiation detection equipment will
12 deployed;

13 (2) a proposed timeline of when radiation detec-
14 tion equipment will be deployed at each of the mari-
15 time ports of entry identified under paragraph (1);

16 (3) the type of equipment to be used at each of
17 the maritime ports of entry identified under para-
18 graph (1);

19 (4) standard operating procedures for exam-
20 ining containers with such equipment;

21 (5) an evaluation of the environmental health
22 and safety impacts of nonintrusive inspection tech-
23 nology;

24 (6) the Department policy for using nonintru-
25 sive inspection equipment;



1 (7) a classified annex that details plans for cov-
2 ert testing;

3 (8) a classified annex that outlines the risk-
4 based prioritization of maritime ports of entry used
5 under paragraph (1); and

6 (9) a plan that—

7 (A) details the health and safety impacts
8 of nonintrusive inspection technology; and

9 (B) describes the policy of U.S. Customs
10 and Border Protection for using nonintrusive
11 inspection equipment.

12 **SEC. 12. CONTAINER SECURITY INITIATIVE.**

13 (a) AUTHORIZATION.—The Secretary is authorized to
14 establish and implement a program (to be known as the
15 “Container Security Initiative” or “CSI”) to identify and
16 examine maritime containers that pose a risk for terrorism
17 at foreign ports before the containers are shipped to the
18 United States.

19 (b) ASSESSMENT.—Before the Secretary designates
20 any foreign port under CSI, the Secretary, in coordination
21 with other Federal officials, as appropriate, shall conduct
22 an assessment of the port to evaluate costs, benefits, and
23 other factors associated with designation, including—



1 (1) the level of risk for the potential com-
2 promise of containers by terrorists or terrorist weap-
3 ons;

4 (2) the economic impact of cargo traveling from
5 the foreign port in terms of trade value and volume;

6 (3) the results of the Coast Guard assessments
7 conducted pursuant to section 70108 of title 46,
8 United States Code;

9 (4) the capabilities and level of cooperation ex-
10 pected of the intended host country;

11 (5) the potential for validation of security prac-
12 tices by the Department, directly or through cer-
13 tified third parties within the country in which the
14 foreign port is located; and

15 (6) the potential for C-TPAT and GreenLane
16 cargo traveling from the foreign port.

17 (c) ANNUAL REPORT.—Not later than March 1 of
18 each year in which the Secretary proposes to designate
19 a foreign port under CSI, the Secretary shall submit to
20 the appropriate congressional committees a report, in clas-
21 sified or unclassified form, detailing the assessment of
22 each foreign port the Secretary is considering designating
23 under CSI.

24 (d) CURRENT CSI PORTS.—The report under sub-
25 section (c) shall include an annual assessment justifying



1 the continuance of each port designated under CSI as of
2 the date of enactment of this Act.

3 (e) DESIGNATION OF NEW PORTS.—The Secretary
4 shall not designate a foreign port under CSI unless the
5 Secretary has completed the assessment required in sub-
6 section (b) for that port and submitted a report under sub-
7 section (c) that includes that port.

8 (f) INSPECTIONS.—

9 (1) REQUIREMENTS AND PROCEDURES.—The
10 Secretary shall—

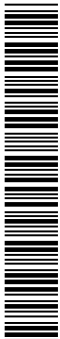
11 (A) establish technical capability require-
12 ments and standard operating procedures for
13 the use of nonintrusive inspection and radiation
14 detection equipment in conjunction with CSI;

15 (B) require each port designated under
16 CSI to operate the equipment in accordance
17 with the requirements and procedures estab-
18 lished under subparagraph (A); and

19 (C) continually monitor the technologies,
20 processes, and techniques used to inspect cargo
21 at ports designated under CSI.

22 (2) FOREIGN ASSISTANCE.—

23 (A) IN GENERAL.—The Secretary, in con-
24 sultation with the Secretary of State, the Sec-
25 retary of Energy, and other Federal agencies,



1 shall identify foreign assistance programs that
2 could facilitate the implementation of cargo se-
3 curity antiterrorism measures at ports des-
4 ignated under CSI and foreign ports not des-
5 ignated under CSI that lack effective
6 antiterrorism measures.

7 (B) ACQUISITION.—The Secretary may
8 lease, loan, or otherwise provide foreign au-
9 thorities nonintrusive inspection equipment or
10 radiation detection equipment for examining
11 conveyances and intermodal shipping containers
12 at any foreign or domestic port, under such
13 terms and conditions the Secretary may deter-
14 mine (including nonreimbursable transfer of
15 ownership), if provision of such equipment is
16 determined by the Secretary to help secure and
17 facilitate international trade and is in the inter-
18 ests of the United States.

19 (C) TRAINING.—The Secretary may pro-
20 vide training on the use of equipment to domes-
21 tic or foreign personnel at each port designated
22 under CSI.

23 (g) PERSONNEL.—The Secretary shall—

24 (1) annually assess the personnel needs at each
25 port designated under CSI;



1 (2) deploy personnel in accordance with the as-
2 sessment under paragraph (1); and

3 (3) consider the potential for remote targeting
4 to decrease the number of personnel who are de-
5 ployed at foreign ports.

6 **SEC. 13. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**
7 **RORISM.**

8 (a) IN GENERAL.—

9 (1) AUTHORIZATION.—The Secretary is author-
10 ized to establish a voluntary program (to be known
11 as the “Customs-Trade Partnership Against Ter-
12 rorism” or “C-TPAT”) to strengthen and improve
13 the overall security of the international supply chain
14 and United States border security.

15 (2) GAO RECOMMENDATIONS.—The Secretary
16 shall address, and to the extent appropriate imple-
17 ment, the recommendations of the C-TPAT pro-
18 gram that were identified in the Government Ac-
19 countability Office report entitled “CARGO SECU-
20 RITY: Partnership Program Grants Importers Re-
21 duced Scrutiny with Limited Assurance of Improved
22 Security” (GAO-05-404).

23 (3) MINIMUM REQUIREMENTS.—The Secretary
24 shall establish minimum requirements, program
25 tiers, and program benefits of C-TPAT.



1 (b) PARTICIPATION.—Importers, brokers, air, sea,
2 land carriers, and other entities in the international supply
3 chain and intermodal transportation system are eligible to
4 apply to voluntarily enter into partnerships with the De-
5 partment.

6 (c) MINIMUM REQUIREMENTS.—An applicant seek-
7 ing to participate in C-TPAT shall—

8 (1) demonstrate a history of moving commerce
9 in the international supply chain;

10 (2) conduct an assessment of its supply chains
11 based upon security criteria established by the Sec-
12 retary, including—

13 (A) business partner requirements;

14 (B) container security;

15 (C) physical security and access controls;

16 (D) personnel security;

17 (E) procedural security;

18 (F) security training and threat awareness;

19 and

20 (G) information technology security;

21 (3) implement and maintain security measures
22 and supply chain security practices meeting security
23 criteria; and

24 (4) meet all other requirements established by
25 the Secretary.



1 (d) CERTIFICATION.—

2 (1) GUIDELINES.—Not later than 180 days
3 after the date of enactment of this Act, the Sec-
4 retary shall update guidelines for certifying a par-
5 ticipant's security measures and supply chain secu-
6 rity practices.

7 (2) TIER ONE BENEFITS.—The Secretary may
8 offer limited benefits to C-TPAT participants whose
9 security measures and supply chain security prac-
10 tices have been certified in accordance with the
11 guidelines established pursuant to paragraph (1).

12 (e) VALIDATION.—

13 (1) IN GENERAL.—Not later than 1 year after
14 a participant has been certified under subsection
15 (d)(1), the Secretary shall validate, directly or
16 through certified third parties, the security measures
17 and supply chain security practices of that partici-
18 pant. Such validation shall include a visit to foreign
19 locations utilized by the C-TPAT participant as part
20 of the supply chain.

21 (2) GUIDELINES.—Not later than 180 days
22 after the date of enactment of this Act, the Sec-
23 retary shall update guidelines for validating a par-
24 ticipant's security measures and supply chain secu-
25 rity practices.



1 (3) CONSEQUENCES FOR FAILED VALIDA-
2 TION.—If a C-TPAT participant's security meas-
3 ures and supply chain security practices fail to meet
4 validation requirements, the Commissioner of U.S.
5 Customs and Border Protection may—

6 (A) deny the participant all benefits under
7 C-TPAT on a temporary or permanent basis;
8 or

9 (B) suspend or expel the participant from
10 C-TPAT.

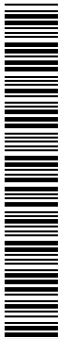
11 (4) RIGHT OF APPEAL.—A C-TPAT partici-
12 pant described under paragraph (3) may file an ap-
13 peal with the Secretary of the Commissioner's deci-
14 sion under paragraph (3)(A) to deny benefits under
15 C-TPAT and under paragraph (3)(B) to suspend or
16 expel the participant from C-TPAT.

17 (5) TIER TWO BENEFITS.—The Secretary shall
18 extend benefits to each participant who has been
19 validated under this subsection, which may include—

20 (A) reduced examinations; and

21 (B) priority processing for searches.

22 (f) REVALIDATION.—The Secretary shall establish a
23 process for revalidating C-TPAT participants. Such re-
24 validation shall occur not less frequently than once during
25 every 3-year period following validation.



1 **SEC. 14. GREENLANE DESIGNATION.**

2 (a) ESTABLISHMENT.—The Secretary shall establish
3 a third tier of C-TPAT (referred to in this section as the
4 “GreenLane”) that offers additional benefits to validated
5 C-TPAT participants that demonstrate a sustained com-
6 mitment beyond the minimum requirements for participa-
7 tion in C-TPAT.

8 (b) BASIC REQUIREMENTS.—Designated GreenLane
9 participants shall ensure that—

10 (1) entry data is submitted on shipments before
11 loading;

12 (2) cargo is loaded on a vessel with a vessel se-
13 curity plan approved or accepted under section
14 70103(c) of title 46, United States Code, or the
15 International Ship and Port Facility (ISPS) Code;

16 (3) container security devices that exceed the
17 standards and procedures established by the Sec-
18 retary are utilized;

19 (4) cargo security practices exceed the security
20 criteria established by the Secretary beyond the min-
21 imum requirements for C-TPAT participation under
22 section 13(c), particularly in the area of access con-
23 trols; and

24 (5) cargo complies with any other requirements
25 determined by the Secretary.



1 (c) CONTAINERS TRANSHIPPED THROUGH CANADA
2 OR MEXICO UNDER GREENLANE.—Containers entering
3 the United States under GreenLane at a land border port
4 of entry shall undergo the equivalent, appropriate level of
5 inspection and screening for potential compromise by ter-
6 rorists or terrorist weapons as containers arriving at a
7 United States port of entry from a foreign port.

8 (d) CONSEQUENCES FOR LACK OF COMPLIANCE.—

9 (1) IN GENERAL.—Any participant whose secu-
10 rity measures and supply chain security practices
11 have been found by the Secretary to be out of com-
12 pliance with any requirements of the GreenLane
13 program shall be denied all benefits under
14 GreenLane.

15 (2) RIGHT OF APPEAL.—GreenLane partici-
16 pants under paragraph (1) shall have the right to
17 appeal denial of benefits decisions to the Secretary
18 and request redesignation under GreenLane.

19 (e) NON-CONTAINERIZED CARGO.—The Secretary
20 may consider the potential for participation in the
21 GreenLane Program by importers of non-containerized
22 cargoes that otherwise meet the requirements under this
23 section.

24 (f) POLICIES.—



1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary, in
3 consultation with private sector stakeholders, shall
4 establish—

5 (A) requirements for supply chain visibility
6 procedures;

7 (B) performance standards for container
8 security devices and protocols for their use;

9 (C) procedures for overseas screening and
10 examination of GreenLane containers; and

11 (D) any other GreenLane Program re-
12 quirements that the Secretary considers appro-
13 priate, including requirements building upon se-
14 curity measures and supply chain security best
15 practices contained in the C-TPAT minimum
16 requirements set forth in section 13(c).

17 (2) BENEFITS.—Not later than 2 years after
18 the date of enactment of this Act, the Secretary, in
19 consultation with the Commercial Operations Advi-
20 sory Committee, may provide benefits for partici-
21 tion in the GreenLane Program, which may
22 include—

23 (A) the expedited release of GreenLane
24 cargo into destination ports within the United
25 States during all threat levels designated by the



1 Secretary or the Commandant of the Coast
2 Guard;

3 (B) reduced or eliminated bonding require-
4 ments for GreenLane cargo;

5 (C) preference to vessels (as described in
6 section 5(b));

7 (D) further reduced examinations;

8 (E) priority processing for examinations;

9 (F) further reduced scores in the Auto-
10 mated Targeting System; and

11 (G) streamlined billing of any customs du-
12 ties or fees.

13 **SEC. 15. JOINT OPERATIONS CENTERS.**

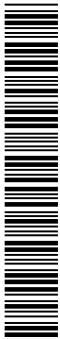
14 (a) ESTABLISHMENT.—Not later than three years
15 after the date of the enactment of this Act, the Secretary
16 shall expand existing and establish new joint operations
17 centers for maritime and cargo security to—

18 (1) enhance information sharing;

19 (2) facilitate day-to-day operational coordina-
20 tion; and

21 (3) in the case of a transportation security inci-
22 dent, facilitate incident management and response.

23 (b) PARTICIPATION.—The following entities shall
24 participate in each joint operations center for maritime
25 and cargo security:



1 (1) The United States Coast Guard.

2 (2) U.S. Customs and Border Protection.

3 (3) U.S. Immigration and Customs Enforce-
4 ment.

5 (4) The Department of Defense, as appropriate.

6 (5) The Federal Bureau of Investigation.

7 (6) Other Federal agencies with a presence at
8 a particular port, as appropriate, or as otherwise se-
9 lected by the Secretary.

10 (7) State, local, and international law enforce-
11 ment and first responder agencies responsible for the
12 port, as appropriate, or as otherwise selected by the
13 Secretary.

14 (8) Port authority representatives, maritime ex-
15 changes, private sector stakeholders, and other enti-
16 ties subject to an Area Maritime Security Plan, as
17 selected by the Secretary.

18 (c) RESPONSIBILITIES.—Each joint operations center
19 for maritime and cargo security shall—

20 (1) assist, as appropriate, in the implementa-
21 tion of maritime transportation security plans devel-
22 oped under section 70103 of title 46, United States
23 Code;



1 (2) implement the transportation security inci-
2 dent response plans required under section 70104 of
3 such title;

4 (3) carry out information sharing activities con-
5 sistent with those required under section 1016 of the
6 National Security Intelligence Reform Act of 2004
7 (6 U.S.C. 485) and the Homeland Security Informa-
8 tion Sharing Act (6 U.S.C. 481 et seq.);

9 (4) conduct short- and long-range vessel track-
10 ing under sections 70114 and 70115 of such title
11 46, United States Code; and

12 (5) carry out such other responsibilities as de-
13 termined by the Secretary.

14 (d) SECURITY CLEARANCES.—The Secretary shall
15 sponsor and expedite individuals participating in the joint
16 operations centers in gaining or maintaining their security
17 clearances. Through the Captain of the Port, the Sec-
18 retary may identify key individuals who should participate.
19 In addition, the port or other entities may appeal to the
20 Captain of the Port for sponsorship.

21 (e) SECURITY INCIDENTS.—During a transportation
22 security incident involving the port, the Coast Guard Cap-
23 tain of the Port designated by the Commandant of the
24 Coast Guard in each joint operations center for maritime



1 security shall act as the incident commander, unless other-
2 wise directed under the National Response Plan.

3 (f) IMPLEMENTATION.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Sec-
6 retary shall submit to the appropriate congressional
7 committees an implementation plan for this section.

8 (2) CONTENTS.—The plan submitted under
9 paragraph (1) shall describe, for each joint oper-
10 ations center—

11 (A) the location;

12 (B) the specific participating entities;

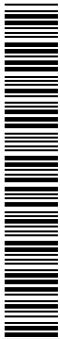
13 (C) the implementation costs;

14 (D) the necessary resources for operation
15 and maintenance, including the cost-sharing re-
16 quirements for other agencies and participants;
17 and

18 (E) in the case of an existing joint oper-
19 ations center, the enhancements to such center
20 that are necessary to meet the requirements of
21 subsection (d).

22 **SEC. 16. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
23 **TION.**

24 (a) IN GENERAL.—The Secretary shall—



1 (1) direct research, development, test, and eval-
2 uation efforts in furtherance of maritime and cargo
3 security;

4 (2) encourage the ingenuity of the private sec-
5 tor in developing and testing technologies and proc-
6 ess innovations in furtherance of these objectives;
7 and

8 (3) evaluate such technologies.

9 (b) COORDINATION.—The Secretary, acting through
10 the Undersecretary for Science and Technology, in con-
11 sultation with the Assistant Secretary for Policy, the Di-
12 rector of Cargo Security Policy, the Director of the Do-
13 mestic Nuclear Detection Office of the Department, and
14 the Chief Financial Officer, shall ensure that—

15 (1) research, development, test, and evaluation
16 efforts funded by the Department in furtherance of
17 maritime and cargo security are coordinated to avoid
18 duplication of efforts; and

19 (2) the results of such efforts are shared
20 throughout the Department, as appropriate.

21 (c) OPERATION SAFE COMMERCE.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the Secretary
24 shall initiate grant projects, as part of Operation
25 Safe Commerce, that—



1 (A) integrate nonintrusive inspection and
2 radiation detection equipment with automatic
3 identification methods for containers, vessels,
4 and vehicles;

5 (B) test physical access control protocols
6 and technologies to include continuous tracking
7 devices that provide real-time monitoring and
8 reporting;

9 (C) create a data sharing network capable
10 of transmitting data required by entities par-
11 ticipating in the international supply chain from
12 every intermodal transfer point to the National
13 Targeting Center of the Department; and

14 (D) otherwise further maritime and cargo
15 security, as determined by the Secretary.

16 (2) SUPPLY CHAIN SECURITY FOR SPECIAL
17 CONTAINER AND NONCONTAINERIZED CARGO.—The
18 Secretary shall consider demonstration projects that
19 further the security of the international supply chain
20 for special container cargo, including refrigerated
21 containers, and noncontainerized cargo, including
22 roll-on/roll-off, break-bulk, liquid, and dry bulk
23 cargo.

24 (3) ANNUAL REPORT.—Not later than March 1
25 of each year, the Secretary shall submit to the ap-



1 appropriate congressional committees a report detailing
2 the results of Operation Safe Commerce.

3 (d) GREENLANE TECHNOLOGY.—The Secretary
4 shall, not less frequently than once every 2 years—

5 (1) review the technology requirements and
6 standards established under section 14; and

7 (2) test future supply chain visibility proce-
8 dures, container security devices, and other systems
9 as they become commercially available to track and
10 secure containers and the smallest exterior pack-
11 aging units loaded into containers.

12 **SEC. 17. PORT SECURITY GRANT PROGRAM.**

13 (a) GRANTS AUTHORIZED.—The Secretary shall es-
14 tablish a grant program to allocate Federal financial as-
15 sistance to ports in the United States on the basis of risk
16 and need.

17 (b) PRIORITIZATION PROCESS.—In awarding grants
18 under this section, the Secretary shall conduct an assess-
19 ment of ports in the United States to develop a
20 prioritization for awarding grants authorized under sub-
21 section (a) based upon—

22 (1) the most current risk assessment available
23 from the Department;

24 (2) the national economic and strategic defense
25 considerations of individual ports; and



1 (3) any other factors that the Secretary deter-
2 mines to be appropriate.

3 (c) APPLICATION.—

4 (1) IN GENERAL.—Any entity subject to an
5 Area Maritime Transportation Security Plan re-
6 quired under section 70103(b) of title 46, United
7 States Code, may submit an application for a grant
8 under this section, at such time, in such form, and
9 containing such information and assurances as the
10 Secretary may require.

11 (2) MINIMUM STANDARDS FOR PAYMENT OR
12 REIMBURSEMENT.—Each application submitted
13 under paragraph (1) shall include—

14 (A) a comprehensive description of—

15 (i) the purpose of the project for
16 which the applicant seeks a grant under
17 this section and why the applicant needs
18 the grant;

19 (ii) the applicability of the project to
20 the Area Maritime Transportation Security
21 Plan and other homeland security plans;

22 (iii) the methodology for coordinating
23 the project into the security of the greater
24 port area, as identified in the Area Mari-
25 time Security Plan;



1 (iv) any existing cooperation or mu-
2 tual aid agreements with other port facili-
3 ties, vessels, organizations, or State, terri-
4 torial, and local governments as such
5 agreements relate to port security; and

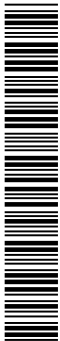
6 (v) a capital budget showing how the
7 applicant intends to allocate and expend
8 the grant funds;

9 (B) a determination by the Captain of the
10 Port that the project—

11 (i) addresses or corrects port security
12 vulnerabilities identified by the Coast
13 Guard, or through port security vulner-
14 ability assessments approved by the Sec-
15 retary; and

16 (ii) helps to ensure compliance with
17 the Area Maritime Transportation Security
18 Plan.

19 (3) PROCEDURAL SAFEGUARDS.—The Sec-
20 retary, in consultation with the Office of the Inspec-
21 tor General and the Office of Grants and Training,
22 shall issue guidelines to establish appropriate ac-
23 counting, reporting, and review procedures to ensure
24 that—



1 (A) grant funds are used for the purposes
2 for which they were made available;

3 (B) grantees have properly accounted for
4 all expenditures of grant funds; and

5 (C) grant funds not used for such purposes
6 and amounts not obligated or expended are re-
7 turned.

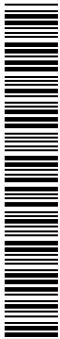
8 (d) USE OF FUNDS.—Grants awarded under this sec-
9 tion may be used—

10 (1) to help implement Area Maritime Transpor-
11 tation Security Plans required under section
12 70103(b) of title 46, United States Code;

13 (2) to remedy port security vulnerabilities iden-
14 tified through vulnerability assessments approved by
15 the Secretary;

16 (3) for non-Federal projects contributing to the
17 overall security of a port or a system of ports in the
18 United States, as determined by the Secretary;

19 (4) for the salaries, benefits, overtime com-
20 pensation, and other costs of additional security per-
21 sonnel for State and local agencies for activities re-
22 quired by the Area Maritime Security Plan for a
23 port area if—



1 (A) the Secretary increases the threat level
2 under the Homeland Security Advisory System
3 to Code Orange or Code Red;

4 (B) the Commandant of the Coast Guard
5 raises the Maritime Security level to MARSEC
6 Level 2 or 3; or

7 (C) the Secretary otherwise authorizes
8 such costs;

9 (5) for the cost of acquisition, operation, and
10 maintenance of equipment that contributes to the
11 overall security of the port area, as identified in the
12 Area Maritime Security Plan, if the need is based
13 upon vulnerability assessments approved by the Sec-
14 retary or identified in the Area Maritime Security
15 Plan;

16 (6) to conduct vulnerability assessments ap-
17 proved by the Secretary;

18 (7) to purchase or upgrade equipment, includ-
19 ing computer software, to enhance terrorism pre-
20 paredness;

21 (8) to conduct exercises to strengthen terrorism
22 preparedness;

23 (9) to conduct training for prevention and de-
24 tection of, preparedness for, response to, or recovery
25 from attacks involving weapons of mass destruction,



1 including training in the use of equipment and com-
2 puter software;

3 (10) to establish or enhance mechanisms for
4 sharing terrorism threat information;

5 (11) for the cost of equipment (including soft-
6 ware) required to receive, transmit, handle, and
7 store classified information;

8 (12) for the protection of critical infrastructure
9 against potential attack by the addition of barriers,
10 fences, gates, and other such devices, except that the
11 cost of such measures may not exceed the greater
12 of—

13 (A) \$1,000,000 per project; or

14 (B) such greater amount as may be ap-
15 proved by the Secretary, which may not exceed
16 10 percent of the total amount of the grant;
17 and

18 (13) to conduct port-wide exercises to strength-
19 en emergency preparedness of Federal, State, terri-
20 torial, and local officials responsible for port secu-
21 rity, including law enforcement personnel and fire-
22 fighters and other first responders, in support of the
23 Area Maritime Security Plan.

24 (e) PROHIBITED USES.—Grants awarded under this
25 section may not be used to—



1 (1) supplant State or local funds for activities
2 of the type described in subsection (d);

3 (2) construct buildings or other physical facili-
4 ties, acquire land; or

5 (3) make any State or local government cost-
6 sharing contribution.

7 (f) MULTIPLE PHASE PROJECTS.—

8 (1) SENSE OF CONGRESS.—It is the sense of
9 Congress that the Secretary should consider award-
10 ing grants under this section for projects that span
11 multiple years.

12 (2) FUNDING LIMITATION.—Not more than 20
13 percent of the total grant funds awarded under this
14 section in any fiscal year may be awarded for
15 projects that span multiple years.

16 (g) CONSISTENCY WITH PLANS.—The Secretary
17 shall ensure that each grant awarded under this section
18 —

19 (1) is used to supplement and support, in a
20 consistent and coordinated manner, the applicable
21 Area Maritime Transportation Security Plan; and

22 (2) is used to supplement and support any ap-
23 plicable State or Urban Area Homeland Security
24 Plan.



1 (h) COORDINATION AND COOPERATION.—The
2 Secretary—

3 (1) shall ensure that all projects that receive
4 grant funding under this section within any area de-
5 fined in an Area Maritime Transportation Security
6 Plan are coordinated with other projects in such
7 area; and

8 (2) may require cooperative agreements among
9 users of the port and port facilities with respect to
10 projects funded under this section.

11 (i) AUDITS AND EXAMINATIONS.—All grantees under
12 this section shall maintain such records as the Secretary
13 may require and make such records available for review
14 and audit by the Secretary, the Comptroller General of
15 the United States, or the Inspector General of the Depart-
16 ment.

17 **SEC. 18. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IMPROVEMENTS TO AUTOMATED TARGETING
19 SYSTEM.—There are authorized to be appropriated
20 \$5,000,000 for each of the fiscal years 2007 through 2012
21 to carry out the provisions of section 6.

22 (b) CONTAINER SECURITY INITIATIVE.—There are
23 authorized to be appropriated \$196,000,000 for each of
24 the fiscal years 2007 through 2012 to carry out the provi-
25 sions of section 12.



1 (c) CUSTOMS-TRADE PARTNERSHIP AGAINST TER-
2 RORISM.—There are authorized to be appropriated
3 \$75,000,000 for each of the fiscal years 2007 through
4 2012 to carry out the provisions of sections 13 and 14.

5 (d) JOINT OPERATIONS CENTERS.—

6 (1) IN GENERAL.—There are authorized to be
7 appropriated \$100,000,000 for each of the fiscal
8 years 2007 through 2012 to carry out the provisions
9 of section 15.

10 (2) BUDGET ANALYSIS.—Not later than 180
11 days after the date of enactment of this Act, the
12 Secretary shall submit to the appropriate congres-
13 sional committees a budget analysis for imple-
14 menting the provisions of section 15, including addi-
15 tional cost-sharing arrangements with other Federal
16 departments and other participants involved in the
17 joint operation centers.

18 (e) OPERATION SAFE COMMERCE.—There are au-
19 thorized to be appropriated \$25,000,000 for each of fiscal
20 years 2007 through 2012 to carry out the provisions of
21 section 16(c).

22 (f) PORT SECURITY GRANT PROGRAM.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated \$400,000,000 for each of fiscal years



1 2007 through 2012 to carry out the grant program
2 established under section 17.

3 (2) SOURCE OF FUNDS.—Amounts authorized
4 to be appropriated under paragraph (1) shall origi-
5 nate from duties collected by U.S. Customs and Bor-
6 der Protection.

7 (g) OTHER PROVISIONS.—There are authorized to be
8 appropriated such sums as may be necessary for each of
9 fiscal years 2007 through 2012 to carry out the provisions
10 of this Act not otherwise provided for under this section.

